

Appln. No. 10/689,012
UTILITY PATENTAmendment in Resp. to Office Action of Oct 17, 2005
B&D No. TN-3167AREMARKS

Applicants have amended Claims 31, 32, 36-39, and canceled Claim 35. Claims 1-30 and 40-41 had been previously canceled. Currently in the above-identified application therefore are Claims 31-34, 36-39 and 42.

The Examiner has rejected Claims 31, 35-36, 38-39 and 42 under 35 USC § 103 as being unpatentable over US Patent No. 6,502,319 ("Goodrich") in view of US Patent No. 5,063,679 ("Schwandt"). Examiner also rejected Claims 32-34 under 35 USC § 103(a) as unpatentable over Goodrich in view of Schwandt in further view of US Patent No. 5,539,990 ("Le"). The Examiner has indicated Claim 37 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Reconsideration and withdrawal of these rejections are respectfully requested.

Claim 31 has been amended to include the features of a detector circuit disposed in the housing also containing the light diode. Additionally, claim 1 has been amended to clarify that that reference surface onto which the laser level is disposed is a substantially vertical surface.

The Examiner asserts that Goodrich teaches a detector circuit disposed within the same housing as the light diode. Goodrich discloses a bracket 56 with a pair of openings, one of which receives the instrument 44 and the other of which receives a stud-finder. See Fig. 12 and col. 3, lines 35-39. The instrument 44 (also referred to as 24) contains the laser diode 15 that projects a line using a single *tipped* lens 20. Further, Goodrich fails to disclose a detector circuit but rather a "a stud-finder 58 which indicates the location of a stud behind a wall... Using this *combination* instrument one location of the stud may be used to locate the entire length of a vertical stud." See col. 3, lines 37-43.

Conversely, the present application utilizes a single housing to contain both the detector circuit in addition to the light diode rather than a stud-finder, a bracket and a line generating

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instrument as Goodrich discloses. In addition to the reduces size and elements necessary, the present application is not limited to detecting studs, but also wire and pipes. Goodrich fails to disclose a detector circuit as claimed in the present invention.


With respect to the Examiner's rejection of Claims 32-34, the applicant has amended claim 32 to clarify that the "first and second planar beams do not intersect." Le discloses a device having a pair of light diodes disposed on a pendulum, each diode emitting a planar beam. The planar beams are projected onto a surface other than that which the device sits to produce a pair of perpendicular intersecting lines. The present application claims "first and second planar beams [that] do not intersect." Orienting the light diodes of Le to provide a pair of parallel or perpendicular lines that do not intersect would destroy the intended purpose of Le. Furthermore, the present application does not include the pendulum as disclosed by Le.

In view of the arguments presented hereabove, the Examiner's rejection of Claims 36, 38-39 and 42 under 35 USC § 103(a) as unpatentable over Goodrich in view of Schwandt is moot.

In view of the foregoing, claims 31-34, 36-39 and 42 are patentable and the application is believed to be in condition for formal allowance. Reconsideration of the application and allowance of the claims is respectfully requested.

No extension of time for response is believed necessary at this time. Nevertheless, a petition for any time necessary is hereby requested and the Commissioner is authorized to charge payment of any fees due in processing this response, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



Wesley Muller
Reg. No. 50,988
Attorney for Applicants
(410) 716-2706